

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14746 of George A. Scheele, Jr., pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to change a nonconforming use, a retail grocery store, to retail grocery store and delicatessen - no seating, on the first floor in an R-3 District at premises 1331 - 29th Street, N.W. (Square 1240, Lot 842).

HEARING DATE: April 20, 1988
DECISION DATE: April 20, 1988 (Bench Decision)

SUMMARY ORDER

The Board provided timely notice of the public hearing on this application by publication in the D.C. Register, by mail to ANC 2E, and by mail to owners of property within 200 feet of the property.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2E. ANC 2E, which is automatically a party to the application, filed a written statement offering no objection to the granting of this application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108.1, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said regulations and map. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. There shall be no structural alterations to the exterior of the premises.

2. There shall be no additional exterior signs advertising the delicatessen use.

3. The hours of operation shall not exceed from 8:00 A.M. to 7:00 P.M., Monday through Saturday; and from 9:30 A.M. to 6:30 P.M. on Sunday.

4. No more than six linear feet of counter space shall be devoted to delicatessen sales.

5. There shall be no installation of a fountain soft drink dispenser and no soft drinks shall be served in paper cups.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is not prohibited by law.

VOTE: 5-0 (Paula L. Jewell, Maybelle Taylor Bennett, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 17 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14746

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUN 17 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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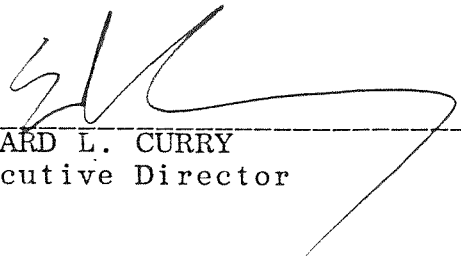
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EDWARD L. CURRY
Executive Director

DATE: JUN 17 1988